

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	NO. 1:20-cr-10025-3-STA
)	
ANTHONY JAMES)	
BERMUDEZ, JR.,)	
)	
Defendant.)	

ORDER DENYING PRO SE MOTION AND SETTING STATUS CONFERENCE

On March 11, 2021, the Magistrate Judge entered an order revoking the bond of Defendant Anthony James Bermudez, Jr. (ECF No. 80.) On April 9, 2021, Defendant sent a letter to the Court, which will be construed as a pro se motion for bond. (ECF No. 83.) The motion is **DENIED** because Defendant is currently represented by counsel and, thus, cannot file motions *pro se*. *See* 28 U.S.C. § 1654 (“In all courts of the United States the parties may plead and conduct their own cases personally or by counsel”); *see also United States v. Toufaily*, 2011 WL 318125, at *1 (E.D. Mich. Jan. 31, 2011) (reiterating that a criminal defendant is not entitled to represent himself while simultaneously represented by counsel and citing cases that a party may choose either to represent himself or to appear through an attorney).

In his motion, Defendant mentions that he is represented by “Mr. Shipley.” However, no one by that name has made an appearance on behalf of Defendant. Instead, Attorney Marcus Lipham has filed a notice of appearance (ECF No. 78) but does not state that he has been retained to represent Defendant. Attorney Taurus M. Bailey was appointed to represent Defendant on April

2, 2020, pursuant to the Criminal Justice Act. (ECF No. 16.) Attorney Bailey has not filed a motion to withdraw as of this date.

Further complicating this matter, which is set for trial on April 19, 2021, is that Dontarious Davel Sales, one of Defendant's co-defendants, has asked for and received a continuance of that trial date. (EC No. 82.) His trial has been continued until October 12, 2021. It is expected that Kendall Early Southall, Jr., another co-defendant, will also seek a continuance of the April 19, 2021 trial date. Defendant Bermudez states that he has calculated his sentence if he is found guilty and will soon serve all the time to which he could be sentenced. He asks the Court to be aware of the time sensitivity of his appearing in Court to either plead guilty or be tried. Because of this time sensitivity and the need to ascertain who is actually representing Defendant, the trial date of April 19, 2021, will be converted to a status conference at which all the attorneys in this matter, including both Attorney Lipham and Bailey, as well as the attorneys for Defendants Sales and Southall, will be expected to appear.

IT IS SO ORDERED.

s/ S. Thomas Anderson
S. THOMAS ANDERSON
CHIEF UNITED STATES DISTRICT JUDGE

Date: April 12, 2021